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BEFORE THE MONTANA AIR POLLUTION ADVISORY COUNCIL

COUNCIL MEETING)

MAY 13, 2004)

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TRANSCRIPT OF PROCEEDINGS

Heard at Room 111 of the Metcalf Building

1520 East Sixth Avenue

Helena, Montana

May 13, 2004

2:00 p.m.

BEFORE CHAIRMAN MIKE MACHLER; BOARD
MEMBERS BOB HABECK, KATHY HARRIS, CHRIS KOLSTAD,
RICH SOUTHWICK, DEAN JOHNSON, MITCHELL LEW,
and DIANE LORENZEN

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Whereupon, the following proceedings were
had:

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CHAIRMAN MACHLER: It appears we've got
enough people for a quorum, don't we?

MR. HABECK: The majority of the
membership.

CHAIRMAN MACHLER: Well, the first
order of business is to review and approve the
minutes from our last meeting on January 8th. I
assume everybody did get a copy of those. Are
there any comments?

MR. JOHNSON: Yes, Mr. Chairman, Page
3, the third paragraph from the top. "Mr. Homer
responded that." We don't know what he said.

MS. WOLFE: I'll find out.

MR. LEW: He always has to say
something.

MR. HOMER: It's not always
intelligent.

MR. HABECK: I will find the missing

statement that Mr. Homer said, and then we'll report back.

MR. SOUTHWICK: Mr. Chairman, two paragraphs down from that, it says, "Mr. Johnson said," and then there's a capital "A," and Mr. Johnson couldn't recall what exactly he said.

MR. JOHNSON: But I might have said that, the way that I talk. I think I just said, "A quorum is," because we did have a quorum, right? Because we voted.

MS. LORENZEN: Yes.

CHAIRMAN MACHLER: Any other comments or corrections to the minutes?

(No response).

CHAIRMAN MACHLER: Do we have a motion to approve these minutes with those changes?

MS. LORENZEN: So moved.

MR. KOLSTAD: Second.

CHAIRMAN MACHLER: All in favor.

(Response).

CHAIRMAN MACHLER: Opposed.

(No response).

CHAIRMAN MACHLER: Okay. The minutes are approved with those two corrections. Is

there any new council business?

MR. HABECK: Mr. Chairman, I know of no outstanding Council business to discuss.

CHAIRMAN MACHLER: Neither new or old, I guess.

MR. HABECK: Negative.

CHAIRMAN MACHLER: Anyone else?

(No response).

CHAIRMAN MACHLER: Bob, you indicated you had some housekeeping remarks.

MR. HABECK: I do, and I'm probably guilty of it already. As you can see, we have a transcriber taking verbatim meeting minutes in lieu of trying, as we have in the past, to get administrative staff copy minutes; and as we changed bureaus, and as those staff positions change over, it's hard to train up and then do -- as these minutes reflect, there's opportunities for a lot of errors that we can't catch efficiently.

So we have budgeted for this meeting and on to have a professional transcriber take verbatim minutes, verbatim testimony. So we'll have to all get into the habit of speaking in

turn, and when there's these nods, shakes, it's more verbal that we can get down in the minutes, so much like any other thing that we're used to.

And so she can see your name, at least she's got an agenda, and I probably should give you a copy of everyone's names.

So that's just my heads up, and then at the next meeting, there'll be approval of the transcription. That ends my housekeeping remarks.

CHAIRMAN MACHLER: All right. Well, I guess we can proceed to the rulemaking action items. First on the list is a briefing item update on MACT standards, Debbie Skibicki.

MS. SKIBICKI: Good afternoon. My name is Debbie Skibicki, and I'm the Title V lead engineer for Air Permitting Section of the Air Resources Management Bureau. There was a question about some of the new MACT standards that had come out, specifically what we call the RICE MACT standard, which stands for Reciprocating Internal Combustion Engine MACT, and the MACT is Maximum Achievable Control Technology.

And MACTs are EPA regulations designed to control hazardous air pollutants, and so we're looking at things like, in this case, formaldehyde, acetaldehyde, methanol, are some of those that we're looking at specifically for this MACT. And I believe that Dean requested that this be an item of review.

And it did go final. The final rule has not quite been published in the Federal Register, and so there's no compliance dates associated with it as of today. I think it's been out final on EPA's web site for like a month or close to it.

MR. JOHNSON: I believe they signed it February 26th or something like that.

MS. SKIBISKI: So a couple months.

MR. LEW: They signed a whole bunch of MACT standards on that date.

MS. SKIBISKI: But we still, along with the industrial boiler MACT, and the plywood MACT, and a bunch of other ones, we haven't seen anything official in the Federal Register yet, but that's coming.

And I'll just kind of run through the

high points of this, and if people have questions, we can go ahead and I'll answer them to the best of my ability.

Again, this is what we call the RICE MACT, and essentially it's going to get at those kinds of engines which are very widespread. And the facilities that EPA lists in particular as being subject to this would be engines at facilities such as pipeline compressor stations, chemical manufacturing plants, and power plants.

It's going to hit a lot of facilities in the state of Montana. It's one of two MACTs that came out on that same date that is going to have a big impact on sources in the state, and it will only be applicable to engines at sources that are major sources of HAP; and by major sources, I mean they either have the potential to emit ten tons of a particular HAP, or greater than -- ten tons or greater than a total of 25 tons of a combination of HAPs.

And so it's only looking at those engines at major sources for HAPs, and it's only looking at engines, existing engines that are above 500 horsepower. And it hits all new

engines at major sources. So it's getting at the larger engines that are existing, and then anything new from this point on at major sources of HAPs.

And sources have three years to comply after the final rule is published, and like I said, the final rule hasn't been published yet. I'll just go through some of the requirements, and then I'll open it up for questions.

The kinds of -- How they broke out the engines was whether they're four stroke rich burn, two stroke lean burn, four stroke lean burn, or compression ignition engines; and then based on how you fell in those categories, you got different kind of limits. For existing and new four stroke rich burn engines, you had to reduce formaldehyde by 76 percent, or limit the formaldehyde concentrations to 350 parts per million. You could choose one of those methods.

EPA is trying to encourage, but it's not a requirement, for four stroke rich burn to install an air pollution control device that's known as NSCR, which is non-selective catalytic reduction; and we require NSCR in a lot of

sources to control nitrogen oxide emissions or NOX emissions. So a lot of these sources have it on there anyway, and as a side benefits, we get some HAPs control as well.

For two stroke lean burn, they either have to reduce carbon monoxide by 58 percent or limit formaldehyde concentration to 12 parts per million. And carbon monoxide is not a HAP, but it works as a surrogate for HAP. If you reduce carbon monoxide, you can get at some of those other HAPs that EPA is interested in. It's an indirect measurement of reduction of other HAPs.

And that's a pretty common method that EPA uses in its MACT standards to get at like a sulphur dioxide limit, or a SO2 limit will get at sulphuric acid, for example, or another acid gas, hydrogen chloride.

The last two categories are new four stroke lean burn engines, and they have to reduce carbon monoxide by 19 percent, or limit to 14 parts per million for formaldehyde; and then the compression ignition engines reduce carbon monoxide by either 70 percent, or limit formaldehyde to 580 parts per million. So it's

just kind of categorized out.

I don't know how much further -- I'm seeing eyes glaze over as we speak just on the limits, so do people have questions about specifics on it?

MR. JOHNSON: Yes, I do. For a plant that is not a major plant at this time, but becomes a major after -- I guess it was after the first publication in the Federal Register, there's a time limit, three years, that they have to put controls on existing units, I believe; is that correct?

MS. SKIBICKI: I believe that's correct.

MR. JOHNSON: But greater than 400 horse, I guess?

MS. SKIBICKI: Right. I believe it's three years, but I'd have to look back and make sure. It is three years for everybody else, and generally -- not all these rules are consistent. Generally the time frame for compliance is the same in that kind of a situation.

Sometimes EPA changes their mind and changes the time frames associated with that. I

can look into that and get back to you.

MR. JOHNSON: I heard it was, but I'm not real sure.

MS. SKIBICKI: That's my understanding based on other MACTs, and how they're implemented.

MR. JOHNSON: The turbine MACT is --

MS. SKIBICKI: See, they all have their little idiosyncrasies. And they also change their definition of how you aggregate a major source. They use the double "H" definition for this MACT, which is different than all the other MACTS, so -- Just to keep things interesting. Any other questions?

MR. LEW: How does the State get authority for administering MACTs? Is that an automatic --

MS. SKIBICKI: It's under our Title V authority.

MR. LEW: So you already have that --

MS. SKIBICKI: The State gets its authority to administer MACT programs through its Title V authority, and we are fully delegated. We have a fully delegated Title V permitting

program, and Title V and MACTs are hand in hand.
And so with that Title V delegation comes
authority to administer the MACT programs.

MR. LEW: So as soon as MACT has been
promulgated in the Federal Register, then the
State automatically has authority on that?

MS. SKIBICKI: Yes.

MR. JOHNSON: I believe there's a
schedule, too, for area sources because of a
consent decree with the Sierra Club.

MS. SKIBICKI: In here, I have part of
the final rule. It mentions that area sources
are exempt. I haven't heard the latest. The
final rule book does not supply stationary RICE
located in the area source of HAPs.

MR. JOHNSON: But I think there has to
be a -- My understanding is the EPA has to have a
proposal by October 31 of the year 2006, and it
has to be final by December of 2007 for area
sources, and less than or equal to 500 at major
sources. That's a lawsuit that's come up.

MS. SKIBICKI: We've seen lots of --
the Sierra Club has been very involved in the
MACT process, but that one I haven't heard of.

MR. JOHNSON: Also affects oil and gas production with the dehydrators.

MS. SKIBICKI: Any other questions?

(No response).

CHAIRMAN MACHLER: Thank you. Next would be fee rule, Jan Brown.

MS. BROWN: Thank you, Mr. Chairman. For the record, I'm Jan Brown with the Technical Support Section of the Air Resources Management Bureau. And I provided a handout for you because then you wouldn't feel like you had to sit and write down some of the numbers.

At the June 4th Board meeting, the Department will be presenting our annual fee rule, and this year it's very simple. We're only changing amounts. We're not doing anything complicated with it. And I've given you a little bit of background and the numbers that go into the composition of changes in our operation fee rule.

The operation fee includes an administrative fee plus the per ton emissions fee, and this year the administrative fee will remain at \$400. It won't be changed.

And a little bit of background on how we come up with the final number for the operations fee. The amount of money that the Department needs to fund its operations for the coming fiscal year is based on the amount of our carry over and the legislative appropriation for fiscal year 2005. And the rulemaking that we're in now, we always have to explain to the Board that it's based on the emissions during calendar year 2003, and the fees are billed this year, calendar year 2004, but the budget is for fiscal year 2005 which starts on July 1.

Our legislative appropriation for fiscal year 2005 is \$2,706,877, which is an increase of just over \$30,000 from the fiscal year 2004 appropriation. The projected amount of our carry over will be \$152,021, which is a decrease in our carry over; and this number is subject to change because there may be some expenditures that we don't have on the record yet.

So if you look at these numbers now and when this actually goes to the Board on June 4th, and you can see a few dollars difference, it's

because there often are very last minute changes in this, so don't hold this as gospel.

Then the total amount of pollutants that were reported for this year's fees is 103,986 tons, which is a slight increase over the previous year, 69 tons. And so our target for this year's fees to meet the appropriations is \$2,463,228. And this year the fees would be assessed for 550 facilities which is up from last year's.

So the bottom line is: Based on the appropriations, the carry over, the difference in the amount of emissions from last year, the per ton charge will increase slightly, under a dollar increase, to \$21.58 cents, up from \$20.61.

And then very quickly, on the back side of your sheet, the open burning fees -- which Bob could give you all the details about this -- the Department works with the Montana Airshed, Montana State Airshed Group to determine budget to run the smoke management program for the coming year, and there are 12 major open burners. And the emissions for calendar year 2003 increased quite a bit, by 8,240.9 tons, and the

budget decreased slightly by a little bit over \$2,000.

So because the emissions increased and the projected expenditures decreased, the open burning fees will decrease for the coming year from 7.67 per ton -- excuse me -- from 16.60 per ton of particulate, down to 7.67 per ton, and 4.15 per ton for oxides of nitrogen, and 4.15 per ton for VOC's, will go down \$1.92 per ton.

So that's the summary. If you have any questions on anything, I'd be happy to respond. We have an in-depth fiscal expert here who could answer your more in-depth questions.

MR. JOHNSON: Is the Forest Service one of the major open burners?

MR. HABECK: Yes, they are.

MR. JOHNSON: Sometimes by choice, though, right?

MR. HABECK: I don't know how to respond.

MR. KOLSTAD: Who are some of the other major?

MR. HABECK: The other major burners are Plum Creek Timber Industries, and the Forest

Service make up the two larger burners. And other than that, we have the Department of the Interior BLM, National Park Service, smaller industries like -- I'll need some help from my colleague, Deb Wolfe.

MS. WOLFE: RY Timber.

MR. HABECK: RY Timber, an eastern Montana timber company. And it's defined -- a major burner is defined by those who burn to create enough emissions to meet a threshold, and these 12 -- Now, the program is open to anyone who would like to join and be part of the smoke management program; but by rule there are thresholds by which if they meet the criteria, they're required to have a permit.

We do have open burning rules that apply to both major open burners and minor open burners, so as you may be burning up there on the Highline, there's still some requirements to check the hotline for burn days. But the fee payers are whom are defined as major open burners.

MS. BROWN: I guess I want to add one more thing. The CAAAC meeting will be held this

next week on the 18th, and either tomorrow or Monday, the spreadsheet with all of the air fees will be posted on the CAAAC website, which you can access by going to the DEQ web site and going to advisory councils. So if anybody is interested in the specific fees, it will be on there.

Any other questions?

MR. JOHNSON: How would we find out if BLM is permitted for a control burn?

MR. HABECK: Every year as part of their permit request, they have to turn in to the Department a list of the burn units to be burned for the next year. It's a permit requirement. Prior to them igniting that unit, they have to submit those units and basically say, "We want to burn these units," then they check with the Department through our meteorologist to determine if atmospheric ventilation is appropriate, and typically -- say in your neck of the woods, Dean -- the airshed is nine to ten, the wind blows such that we rarely give restrictions. But they are limited to burn only the units that they submit.

So if you found a burn that you thought was suspect, if you got information on the legal description of the burn, maybe a topography name that can be cross verified with our master burn list, and they do submit accomplishment reports, the number of acres that they blackened, and then there's a tally on how much emissions we calculate from that burn unit. And at the end of the year, we roll all of that up into this master emissions accomplished list, by which then we charge a fee.

MS. BROWN: Thank you.

CHAIRMAN MACHLER: Next on the agenda is registration rule. Brian Hohn.

MR. HOHN: Yes. For the record, my name is Brian Hohn. I work for the Technical Support Section of the Air Resources Management Bureau. And I'd like to present to you today our rulemaking request for a registration rule.

House Bill 700 in the 2003 legislative session granted the DEQ the authority to develop general permits and implement registration processes for similar type sources, with similar emissions, and similar environmental impacts; and

that is what we've attempted to do with this rulemaking.

For registration eligible facilities, we're going to look at minor sources, that is, sources less than 50 tons per year of PM10, 100 tons per year of any other criteria pollutant, and under 20 tons per year of -- I believe that's ten tons per year of HAP, and 25 tons total HAP of any ten of any individual HAP.

The industry that we've targeted for the initial rulemaking process is the non-metallic mineral processing industry, which includes gravel crushers, screening operations, and material transfers. There are some restrictions that have been placed on those sources as well. They need to be facilities that operate in currently permitted open cut mining pits. And we've attempted to take the permit limits that would be contained in air quality permits for these sources and developed those into rule format. So they would have to meet those requirements to operate under that set of rules.

One of the big concerns that came about

through this process of developing this was making sure that we complied with MEPA. That is why we stayed with the open cut permitting permitted pits, because those facilities have had Environmental Assessments done on them that address the impacts of non-metallic processing operations.

There is going to be fees associated with this. There'll be a registration fee similar to a permitting fee. The sources will be required to do emission control requirements, notification requirements, and recordkeeping. So we will have some idea of what they're doing.

And I think that is about everything that I had. Do you guys have any questions on that?

MR. JOHNSON: The MEPA was the reason for dropping engines off the registration, but does it take an act of the Legislature to revise the MEPA in order to change that so that engines could be registered? It's a waste of resources for both the State and for us to have to go through the permitting process time, after time, after time, for the same little engine that

everybody is using. It doesn't matter what your company it is, we're all using the same engines, down in the Powder River Basin. Of course, if you're under 25 tons, you don't permit anyway, but in most cases, we are going up over the 25 ton. So is that a yes or no or --

MR. HOHN: You would be correct. It would take a legislative action to change MEPA to allow the Department to do that.

MR. HOMER: If I might add something to that, the reason that we change -- For the record, my name is Chuck Homer. I'm also with the Technical Services Section.

The reason our initial proposal changed from both non-metallic mineral processing plants and crushers did have to do with the MEPA. We found a real easy way to comply with MEPA for the non-metal minimum processing, because our understanding is at this point that at least a significant number of them operate in pits that have been permitted by the Department, and most of those permits had an environmental review done that considered the site specific impact of operating a crusher there, and that solved the

problem for that category.

For compressor stations, we didn't have a quick understanding of how to deal with it. We're still proceeding with going ahead with the registration rule for compressor stations. We don't believe that we need a change to MEPA to do that. We just don't know at this point what the universe of sources that might be able to do registration might be, and how we would look at it.

And at this point this is merely speculation, but a compressor station that exists now is at a site where we did a permit, we did a site specific MEPA analysis. So anybody with a permit now could comply with that MEPA requirement and could meet the registration.

The question of whether we need to do a registration system just for permitted sources that are currently permitted, we're not sure of the value of that. We're not sure how we might want to address this in the future. There are ways for us to do these analyses, we're just not quite sure at this point.

So we are going to be proceeding with

this. Whether or not we have a rule to present before the Legislature comes into session, I don't know at this point.

MR. HOHN: Any other questions?

(No response)?

MR. HOHN: If there are, Chuck will answer them.

CHAIRMAN MACHLER: Thank you. Well, on to discussion items, I guess. 2003 Natural Events Action Plan, Deb Wolfe.

MS. WOLFE: Good afternoon. My name is Debra Wolfe, and I'm an Air Quality Specialist with the Air Resources Management Bureau. And I just wanted to talk to you a little bit about our Natural Events Action Plan.

And we've currently got a Natural Events Action Plan, or NEAP, in place that we did in response to the summer of 2000 wild fires where we had all that smoke intrusions, and caused our monitored values to fluctuate, you know, to concentrate and exceed in a couple of different cases -- or just in one case I guess.

But the inclusion of those values, as high as they were, into our typical monitoring

for our monitors would have caused averages that really didn't reflect what our -- not only what our ambient concentrations would normally be outside of these unusual events, but they wouldn't reflect something that we could otherwise control. This wasn't something -- you don't go ahead and create plans for something that basically you can't control.

So it happened that we had it again in the summer of 2003, this last summer, 735,000 acres I've got in my notes. Of course, we again had those spikes with the PM10 and the PM2.5. And what we don't want is to have EPA include those into averaging concentrations for purposes of air quality planning, for purposes of determining attainment and non-attainment areas. We just don't need that in there.

So we flag it before it goes into their data base, and then their role under the rules is to make the appropriate adjustments, so that it reflects what ambient values actually should be outside of this event.

So we're going to submit documentation from last summer's wild fires, the 2003 wild

fires, basically that it occurred. That's what they need primarily, is something that shows that this occurred. Secondly they're going to need the monitored values that we want adjusted, the stuff that's high that we think is going to unduly influence our monitored values.

The NEAP itself is the document -- because we have to do something to protect public health. That's the whole point, is that we can't control anything here. But we can certainly do our best to protect public health, and so we do that primarily by notifying people. But in a nutshell, what the NEAP will say is that either DEQ or the Department of Public Health and Human Services, or local authorities, whichever is appropriate for whichever duty, will basically continue to conduct routine ambient monitoring -- we do that anyway -- public education and outreach, probably a number of us will be doing that; conduct data gathering of ambient PM concentrations, again that's us; issue public health advisories -- locals, the Health Department again; conduct best available control measure determinations and implement, if it came

to that, any additional best available control measures.

And if necessary, then go to our emergency events, or Emergency Episode Avoidance Plan. And I'll talk about that in a moment because they're linked, because not only because I've got it mentioned in the NEAP, but the Emergency Episode Avoidance Plan determination is the other thing that we've got up on public notice. So we're currently --

I sent out the public notice last week, and you probably all got it already for both of these documents; and we're going to have a hearing on the 23rd. So do you want me to go straight into the EEAP, since I'm right there, and then take questions afterward? Do you have guys have questions about NEAP at this point?

(No response).

MS. WOLFE: The Emergency Episode Avoidance Plan again is a document that we currently have in place, and it's been there since 1997 I believe. And it is the plan for us to prevent ambient concentrations from reaching a level that endangers public health. Basically

it's the kind of last ditch default, "Do this now," mode. We need to be able to control sources so that when we've got meteorological conditions where stagnation is just compounding bad air quality, we need to be able to control sources.

So we've got the Emergency Episode Avoidance Plan in place that's got these various measures that we can take, and it's supposedly something that we can do with a minimum of inconvenience to the emitters, and still protect public health. But we're revising it because according to the last three years of data -- which is how we prioritize areas -- it sounds like I have to start at the beginning. I'm sorry.

We have areas in Montana that are classified as Priority 1, 2, and 3; and based on those priority classifications, that determines the measures that we're going to have to take in the event of an emergency, and you base that on the last three years of data. That tells you whether or not you're more likely than not to have these kinds of events.

But based on the last three years of data, Montana is all Priority 3. These are the least likely to have these kinds of violations, have an emergency episode. So basically everything in Montana now is a Priority 3, and so the change that we're making in the EEAP is to change all of the areas in Montana to Priority 3's. And so that's what up for public hearing on June 23rd is both the EEAP, and the Natural Events Action Plan. Boy, that was exciting.

MR. JOHNSON: Like Missoula, do they have their own plan then?

MS. WOLFE: I'm sorry. Yes, they do. Missoula has a jurisdiction that has their own EEAP, but you know, they're the only ones now. Otherwise everyone else follows the state EEAP.

CHAIRMAN MACHLER: This sounds pretty specific to particulate matter; is that true?

MS. WOLFE: It's three pollutants: Ozone, particulate matter, and SO₂.

CHAIRMAN MACHLER: But of those three, it sounds like your focus is pretty much particulate, right?

MS. WOLFE: Yes, it deals with all

those pollutants, and it's Priority 3 for the others, too.

CHAIRMAN MACHLER: How do you identify these high individual values that you want to go to EPA?

MS. WOLFE: As far as the Natural Events Action Plan is concerned?

CHAIRMAN MACHLER: Yes.

MS. WOLFE: It's a subjective determination. It's something that's made by our monitoring people. But it's anything that is basically -- I think that what Elton does is he looks at past years, and he sees what is generally normal for that area, given that data; and when he sees the big spike, he averages that out, and figures out just what it ought to be outside of that particular event.

CHAIRMAN MACHLER: And those events are usually forest fires.

MS. WOLFE: Yes. This is for wild fire smoke. I'm sorry. Maybe I didn't make that clear.

CHAIRMAN MACHLER: Okay.

MS. HARRIS: Deb, I was curious when

you were talking about the Natural Events Plan. Are similar action plans or developments going on in other states that are having the same issues with these seasonal wild fires?

MS. WOLFE: They are. In fact, they do them not only for wild fires, but for dust events, volcanic ash, anything that would be a natural event that is not expected to recur in a given location on a regular basis. That's why you have the Natural Events Action Plan.

MS. HARRIS: In developing the plan for Montana, did you utilize any of those resources, or is there any similarities that should be put in place?

MS. WOLFE: We wrote it based on some things I know out of Washington state, but basically it is kind of a unique document.

MS. HARRIS: Do other states also have to go through a similar rule review process?

MS. WOLFE: Well, you know, the Natural Events Action Plan, what is in rule is the whole principle of the State flagging or noting data that is caused by an unusual event, and EPA in turn making an appropriate adjustment on that

data for purposes of air quality planning, and making determinations on attainment.

But the writing of the Natural Events Action Plan itself isn't something that's actually embodied in law. It's EPA's policy. It's something that they like us to do, and it's something that the State feels good doing, too, to protect public health, to get people so that they have some sort of control over what is otherwise an uncontrollable event, for their health.

MS. HARRIS: Thanks.

MR. LEW: You mentioned that we're classified as No. 3 currently. Could you give some examples of what like a No. 2 or No. 1 would be, and what would happen if --

MS. WOLFE: I suspect like Denver, for instance, is probably a Priority 1 for one of those pollutants, something like that. And if was the case, a Priority 1 area, the concentrations -- I've got the rule there -- the concentrations are such that when you reach a particular threshold, particular actions are taken to control source emissions, so that they

don't contribute anymore to the poisonous cloud.

And in a Priority 1 area, sources are required to have a source specific, facility specific EEAP as well. And I don't think with Priority 2, that's a mandate, but that's a more stringent requirement for a Priority 1 area. Priority 2, again, the thresholds are somewhat different, the concentrations are somewhat different. You have to have certain measures in an EEAP statewide, but I don't think you have to have a facility specific one. Priority 3, there aren't any control measures necessary at that point.

MR. LEW: So what's the cutoff between a Priority 3 and a Priority 2?

MS. WOLFE: EEAP is available on line, and I didn't bring a copy of the EEAP itself, although the requirements are the same.

MR. LEW: It's like 150 micrograms?

MS. WOLFE: For particulate matter in a Priority 1 region, PM, 325 in 24 hour average. And in a Priority 2 region, it's going to be between 150 and 325.

MR. LEW: If a particular area were

to hit, say, 200 on one day due to a forest fire, and that next year we would be considered Priority 2?

MS. WOLFE: Here's the thing that's happening again between these two documents, is that we are not including those -- wild fire influenced values in the determination of the priority classifications.

MR. LEW: Okay. So it would be man caused above 150 to be classified as a No. 2?

MS. WOLFE: That's the way we're viewing it at this point.

MR. HABECK: The EEAP doesn't specify how the concentrations originated. Point of origin is not a concern. However, if you reach those thresholds of concentrations, and it is anticipated to stay at that level for an additional 12 hours. In forest fire season, you get these spikes. The next day it's gone. To launch control measures through the EEAP for the industrial processes, infusions of dust, all these controls that would say, "Let's not contribute additionally," has to meet those criteria. Is this going to sustain itself

regardless of the source?

However, as Deb mentioned, if it's a wild fire, we can wave off those things, and they don't count towards the priority classifications. Now, that's for wild fire.

We could make a NEAP for dust, earthquake emissions -- there's emissions from those -- volcanos. However in Montana, we've only experienced high particulate matters from wild fire. But it's interesting that the EEAP doesn't care how you get there, as long as you have emissions that reach these same thresholds and remain there.

MS. WOLFE: I know that it does seem like a little bit of circular logic.

MR. LEW: I was just wondering if a bad wild fire year could throw us into like a No. 2 or No. 3.

MR. HABECK: Luckily we've argued with EPA that when we submit our NEAP to say, "Flag forest fire affected data," it cannot be used for any other actions -- designations of nonattainment, but any other use -- because the scenario that you may be interested in, Mitchell,

is: Why should your plant facility have to have a plant EEAP based on forest fire outside of your control?

And I've never witnessed in my career such that we would -- especially in 2000 and 2003. It would take some heavy decision making to start going to facilities and saying, "Hey, would you cut back on production to help reduce the air pollution," when the concentrations from forest fire smoke is so dense. Luckily we haven't had to make that determination.

MR. LEW: Especially a facility that is taking wood out of the forest fire -- never mind.

MS. WOLFE: Don't even go there.

MR. HABECK: Save that for the --

MS. WOLFE: Again, it has to do with the efficacy of control.

MR. LEW: We got quite a few 140, 150 microgram days last year up in Columbia Falls, and it's not pleasant at all. I would hate to see a 300.

MS. WOLFE: Yes, the 325 that's in here, yes. No, you start getting calls right around 60.

Are there any other questions? Again, like I said, these are on the web site under "Meetings," and so you can always go there and look at those documents, and provide comments until June 23rd.

MR. KOLSTAD: How many monitoring stations are there in the state?

MR. HABECK: We have four different types of pollutants and different types of monitors. So I would say in Montana, particulate air pollution is a western Montana phenomena, obviously with wood burning, and inversions, and complex topography like mountains. We do have monitors, I would say ten to twelve stations, everywhere from Libby, to Thompson Falls, Columbia Falls, Whitefish, to Butte, to Missoula.

On the east side of the state, we do have particulate monitors. I think we have one in Billings, but the one in Great Falls is on standby in case we need it. So we really do concentrate on that side.

For carbon monoxide, same issue: Complex topography and idling vehicles has about four to five CO monitors, Kalispell, Missoula,

Great Falls, and Billings, and I think in Butte.

And for sulphur dioxide, that kind of follows the petroleum refining, so we see that more in -- we have them in East Helena for the lead smelter, but then it's in Billings and Laurel for the petroleum refiners.

So those are the -- no ozone monitoring in the state.

MR. LEW: By the State. The Park Service has one.

MR. HABECK: Except for the National Park Service runs a monitor in Glacier National Park. And we have net access to visibility monitoring through these IMPROVE sites through our 12 mandatory Class 1 federal areas; and the federal agencies run those monitors, although the states are required to ensure visibility protection.

So if we're not trying to protect air quality for public health sake, the other big load on our plates has been, as we discussed earlier, visibility, which is the broad goal of protecting these Class 1 areas for the air resource, so that people come to see Glacier,

they come to see it, instead of smoke plumes and whatnot.

MS. WOLFE: IMPROVE is Interagency Protection of Visual Environments?

MR. HABECK: He indicated he didn't know.

MR. JOHNSON: You said Billings has particulate matter monitoring. Isn't there one up closer to Wolf Point?

MR. HABECK: There are tribally run monitors, yes, at Wolf Point, Lame Deer, Polson, and Ronan; and since they're federal lands, EPA administers those. But you're right. Those are data that we could access if we needed to, specifically for these plants.

So if there's a forest fire out there, our meteorologist can go to the network and monitors, and they can click on and start -- if they're real time -- start reading the landscape for this phenomenon.

In addition to -- I'll tell you what. The Weather Service has their -- they're not necessarily air monitors, but they have meteorological stations -- and Mike probably

knows this more than anybody as a modeler.

There's air stations around that get ambient temperatures, and inversions, and wind speeds, and directions. It's pretty interesting how much data is out there.

MS. WOLFE: We've got a number of those same sites above us that also have meteorological monitoring connected to them, like CO or SO₂ sites in particular.

CHAIRMAN MACHLER: Nor more questions, I guess. Thank you.

MR. HABECK: If I may, Mr. Chairman, John Podolinsky, I just caught him in a meeting, and I told he'd be on more towards 3:00, so I thought we'd have --

Ladies and gentlemen, I introduce to you Mr. John Podolinsky.

MR. PODOLINSKY: I'm John Podolinsky. I'm with the Asbestos Control Program, within the Waste and Underground Tank Management Bureau. What I'm passing around right now is a list of asbestos companies that do consulting, contracting, and laboratory work. There's another handout that goes through the description

of our program, and briefly tells you what our job is in essence.

We recently had our small business ombudsman finalize a pamphlet on asbestos, and it covers asbestos regulations briefly for public and commercial buildings; talks about the basics of asbestos; and has a little blurb for home owners as well.

As I talk, feel free to ask questions. There's a card. Our program has been around since about 1989, 1990. We were created by the Legislature because they felt there was a need to regulate asbestos activities in the state.

The legislative side of our business through the Asbestos Control Act issues asbestos abatement project permits to contractors and building owners where three or more linear or square feet of regulated asbestos containing materials are being removed, transported, disposed of.

We license the training course providers that train the individuals that do asbestos abatement type work in the state. We train the folks that do asbestos inspections

prior to renovations and demolitions; train the folks that write project designs, which are in essence the recipe for how to do asbestos abatement. Project management planners are also trained by those approved training course providers. Management planners put together management plans for facilities that are managing asbestos materials in place, as well as coming up with plans to remove them. And then of course, we train the workers and the contractor supervisors that actually do the asbestos abatement work. We also do permits, licenses. I have to look at that list myself. We audit training courses. And so that's the Act side of the program.

We're also delegated by EPA to run the national emissions standards for hazardous air pollutants. I'm certain that you folks are aware of the [NESHAPs] for all sorts of other air pollutants.

Our little program gets to deal with asbestos regulations, so we regulate renovations and demolitions in public and commercial buildings. And we're a very busy program.

There's just two of us, Pierre Amicucci and myself. We do an awful a lot of traveling, education, compliance assistance, and try to educate people as much as possible about the hazards of asbestos.

Any questions?

Not too long ago, about a month ago, Larry Alheim from our enforcement division, Bonnie Rouse, our small business ombudsman, and I, we toured Shelby, Havre, Malta, and Lewistown, and put on some town meetings. In the past five years, we've sponsored an annual asbestos conference. Unfortunately, the folks that we'd really like to get there, which are the general contractors, seem to evade us quite well. So we're looking at doing town meetings around the state, and hitting anybody who wants to know about asbestos issues that way.

And last month, it was kind of our kickoff of town meetings, and we had a fair turnout in most of the meetings. One of the areas that we scored big was in Malta, which we don't hear a lot about asbestos abatement from the Malta area; but then after the burning of the

old Spaulding Apartments, apparently we've made quite an impact in that particular area. The few contractors or general contractors that do renovations and demolitions up there indicated that they want to learn more about asbestos concerns, and deal with it properly.

MS. LORENZEN: What do you do with mold? I see mold.

MR. PODOLINSKY: We put that on there because a lot of restoration contractors will go into a building and start tearing out walls and ceilings that are contaminated with mold, and they fail to inspect for asbestos first.

So let's say this sheetrock wall behind you, if there was mold on it, and the contractor went in to wreck, to demo it out because it was wet, there's a potential that the wall board, the mud, the tape, maybe even the covering, the texture on that wall board might contain asbestos.

We've seen a lot of restoration companies doing illegal asbestos abatement work unknowingly, and we just figured since we get a lot of calls on mold, we may as well offer them

some information on mold. That web site list could go on, and on, and on.

What we intend to do with all these pamphlets, though, is hand them out to all of the local Building Code officers in the state, as well as the sanitarians, and encourage them to hand this information out.

A few years ago we did a non-compliance study just to measure where we were in the state with compliance with our regulations, and we compared our demolition notification records to the various city demolition notifications, and we saw on average throughout the state about a 70 percent noncompliance rate. And that told us that, number one, contractors and building owners are either just ignorant about the fact that they don't know that asbestos regulations exist; they may not fully understand how many materials contain asbestos; and certainly they're not understanding that there's a high potential for asbestos exposures happening at these renovations and demolitions.

As I indicated before, our program is kind of two part. We have the Asbestos Control

Act, which deals with issuing contractors abatement permits, where you deal with training for training course providers. But then the other half of the program is this NESHAP renovation demolition standard, and that's where we're finding the majority of our noncompliance.

The Department has been -- I don't want to say being successful is a big thing -- but a lot of our inspections at renovations and demolitions end up finding noncompliance, and a fair number of those have turned into formal enforcements. We're trying to use not only compliance assistance through education, but also enforcement to get the word out that asbestos is still a living issue that people need to deal with.

Our program doesn't have any jurisdiction in Libby where the Super Fund activity is happening, so we've been kind of hands-off of the Libby Superfund activities. We still have jurisdiction over renovations and demolitions that happen in public and commercial buildings, but Craig French from our Remediation Division is the main contact for the Libby

vermiculite issue.

MR. HABECK: I'll help, if I may, Mr. Chairman. John, is asbestos more prevalent -- I would think in industry, there's probably asbestos, old heating blankets and whatnot to keep pipes warm. How about in rural areas, farms and ranches?

Around the table represents various factions related to air quality, although asbestos is typically an indoor air thing, but it's still something we talk about here as a group. Farms and ranches, do they have asbestos issues that may be of concern? Certainly I would think industry, even if you're running a compressor station out somewhere. What can you offer up as indicating details of what may need to be looked at?

MR. PODOLINSKY: Right. We don't see a lot of issues from the agricultural side of things, either from farmers' or ranchers' home or their barn or whatever. Not a lot of asbestos was used in those particular applications.

We generally see asbestos being used in homes and in construction. And certainly the

majority of the large facilities in the state, such as the hospitals, the refineries, the universities, have annual permits that we've issued them, and that enables them to do asbestos abatement work on a lot of different types of projects, without notifying us of every single one of those projects.

But in agriculture, we just don't see a lot of use for asbestos, and as such, it hasn't been a high priority.

What we're concentrating on right now are the major cities where most of the renovations and demolitions are happening. In looking at Malta, it was interesting talking to the local Building Code officer up there, John Demarais. He said that they just don't see a lot of renovations or demolitions in that area, because a lot of folks don't have the money to do renovations or demolitions.

And I think to a wide degree, a lot of the rural areas in Montana are that way. People just aren't into renovating things that don't need to be renovated; where in a city, like such as Missoula, or Kalispell, or Billings, Great

Falls, there's money to be made to renovate your property, and that's when building owners and contractors need to be aware of asbestos.

And for the most part, that's where we've been paying most of our attention is in the major cities.

MR. JOHNSON: I think we're well aware of the asbestos in our plants. In fact, we've gotten rid of most of it, but there are some places we're still encapsulating, maintaining, just because it's not worth going in and ripping it all off right at this time. As for other places, I've gone in the whole plant and taken out all of the asbestos, with contractors obviously.

But we bought a building one time that we didn't suspect there was asbestos in there. In fact, it was in the insulation. It wasn't vermiculite either. I think we paid more to remove the asbestos than we did for the building. So it's there, and it's used as insulation.

MR. PODOLINSKY: There are a lot of misnomers out there. I think a lot of folks fear that if I find asbestos, I'm going to, number

one, I have to remove it; number two, it's going to cost an awful lot of money; number three, the abatement industry is going to rip me off.

So what we're trying to instill in folks is: Before doing a renovation or demolition, have your obligatory asbestos inspection done, and then sit down with your inspector or us, and find out what exactly has to be removed for purposes of the renovation or demolition. The abatement industry is in business to make money, so of course they're going to say, "Yes, you have to remove it all," but in a lot of cases if the material is in good shape, and it's serving its purpose, it can stay on forever.

But I think in the 1980s, a lot of people heard that, "If you have asbestos, it has to be abated." That's not true in a lot of cases. Excuse me. Let me ask what facility you're with.

MR. JOHNSON: About 100 of them. I'm part of MDU Resources. Our plants are.

MR. PODOLINSKY: So we work with you folks and periodically do an abatement.

MR. JOHNSON: I don't know about the power plants, but it's same thing.

MR. PODOLINSKY: Most of the major facilities in the state, at least in my dealings, folks deal with asbestos commonsensically. They've educated their employees to stay away from the wrapping on the tank. A lot of companies have gone through and labeled those materials. It warns contractors and employees to stay away from the material, and if they have questions, to go to their supervisors.

In other sections of the populace, though, that ignorance -- or that knowledge doesn't hold true. That's where we're trying to help out and do as much education as possible. But for a two person program in a big state, we're pretty busy.

CHAIRMAN MACHLER: Okay. Thank you very much.

MR. PODOLINSKY: Thank you for having me. If you have any questions, feel free to call.

CHAIRMAN MACHLER: Well, on to general public comment. Anybody who does want to make

any comments to the Council can do that right now.

(No response)

CHAIRMAN MACHLER: Hearing none, our next meeting is scheduled for July 15th.

MR. HABECK: Yes, July 15th, and just we'll plan on -- Again, I'll do a feeler to see how much required rulemaking will be there. But note that that's the third week of the month, rather than our second week, just to avoid the July Fourth holiday.

CHAIRMAN MACHLER: Well, I think that is everything on the agenda. So we are finished.

MR. JOHNSON: I move we adjourn.

MR. SOUTHWICK: Second.

CHAIRMAN MACHLER: All in favor.

(Response).

CHAIRMAN MACHLER: Opposed.

(No response).

CHAIRMAN MACHLER: We stand adjourned.

(The proceedings were concluded

at 3:04 p.m.)

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STATE OF MONTANA)
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COUNTY OF LEWIS & CLARK)

I, LAURIE CRUTCHER, RPR, Court Reporter,
Notary Public in and for the County of Lewis &
Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at the time and place herein named; that the proceedings were reported by me in shorthand and transcribed using computer-aided transcription, and that the foregoing -49- pages contain a true record of the proceedings to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal
this _____ day of _____, 2004.

LAURIE CRUTCHER, RPR

Court Reporter - Notary Public

My commission expires

March 9, 2008.